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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/316,546

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JAY S. WALKER

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04/08/2008

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EXAMINER

KARMIS, STEFANOS

ART UNIT

PAPER NUMBER

3693

MAIL DATE

DELIVERY MODE

04/08/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 09/316,546	Applicant(s) WALKER ET AL.	
	Examiner STEFANOS KARMIS	Art Unit 3693	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 January 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-58 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-58 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--------------------------------------------------------------------------------------|-------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. The following communication is in response to pre-appeal decision on 09 July 2007.

Status of Claims

2. Claims 1-58 are under prosecution in this application.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1, 2, 6, 7, 44, 49, 56 and 57 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cole U.S. Patent 5,850,217 in view of Schreadley Jr. U.S. Patent 5,887,903 (hereinafter Schreadley) in further view of Restaurants Offering Own Tips On How Much To Give Waiter (hereinafter Wilson).

Regarding independent claims 1, Cole teaches a method for providing an offer during a transaction between a merchant and a customer comprising: receiving a request for authorization of a purchase amount, the purchase amount to be paid from a financial account of the customer (column 5, line 46 thru column 7, line 2) and transmitting an authorization of the purchase

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amount through a signature (column 5, line 46 thru column 7, line 2). Cole further teaches printing graphical information on the receipt (Figure 7). Schreadley teaches a combined check and tipping guide in which a tipping guide is printed on the back of the check for the convenience of the customer (column 2, lines 1-57). Cole and Schreadley fail to teach providing an offer. Wilson teaches providing an offer that allows customers to check a box for the desired tip, thereby outputting on the record of charge an indication of acceptance (See Full Text). This provides a benefit to the customer in that the tip is paid without the customer having to perform the calculation. It would have been obvious to one of ordinary skill in the art at the time of the Applicant's invention to combine the teachings of Cole in view of Schreadley in further view of Wilson because it provides for putting graphical information on a receipt and allowing the customer to select a tip amount that is pre-calculated, thus making it easier for the customer to finalize their bill payment. This teaching is consistent with Figure 14 of the instant application.

Claim 2, Wilson teaches that the offer defines an obligation for the customer to fulfill in exchange for the benefit (See full text: Customer must pay more as an obligation).

Claims 6, 7, 44, 49, 56 and 57 are substantially similar to the claims addressed above and are therefore rejected under the same reasoning.

5. Claims 3-5, 8-43, 45-48, 50-55 and 58 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cole U.S. Patent 5,850,217 in view of Schreadley Jr. U.S. Patent 5,887,903

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(hereinafter Schreadley) in further view of Restaurants Offering Own Tips On How Much To Give Waiter (hereinafter Wilson) in further view of Schultz U.S. Patent 6,233,564.

Claims 3-5, 9, 10, 17-43, 45-48 and 51-55, Cole in view Schreadley in further view of Wilson teaches that the benefit is providing the tip. However they fail to teach that the benefit is a supplemental product or discount and survey. Schulze teaches filling out surveys related to food and other items and using identifying sources such as credit cards and receiving a discount or cash as a result (column 6, line 43 thru column 7, line 55). The survey information is communicated over a telecommunication line like when validated credit cards in restaurants (column 6, line 43 thru column 7, line 55). It would've been obvious to one of ordinary skill in the art at the time of the Applicant's invention to modify the teachings of Cole in view Schreadley in further view of Wilson to include the teachings of Schulze because it provides other benefits that a customer would be interested in. It also would have been obvious to substitute a discount or cash for a supplemental product as it is merely a substitution of an incentive.

Regarding claims 8, 11-16, 50 and 58, Official Notice is taken that available credit and accounts in good standing are old and well known in the financial arts for processing credit card payments. Therefore it would have been obvious to one of ordinary skill in the art at the time of the Applicant's invention to modify the teachings of the prior art to include the checks during credit authorization because it is the type of information used in credit card authorization networks to ensure a customer should be allowed to complete the transaction.

Response to Arguments

6. Applicant's arguments with respect to claim 1-58 have been considered but are moot in view of the new ground(s) of rejection.
7. Applicant's arguments with respect to priority have been fully considered but are not persuasive. The Examiner can find no claim to priority to the specified applications.

Conclusion

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to STEFANOS KARMIS whose telephone number is (571)272-6744. The examiner can normally be reached on M-F: 8-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Kramer can be reached on (571) 272-6783. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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Respectfully Submitted

/Stefanos Karmis/

Primary Examiner, Art Unit 3693

31 March 2008